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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,755	02/20/2001	Robert William Turnbull		5431

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EXAMINER

HRUSKOCI, PETER A

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,755

Applicant(s)

TURNBULL, ROBERT WILLIAM

Examiner

Peter A. Hruskoci

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006 and 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 1 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In claims 1 and 13 “and said retaining being adapted...intermediate branch” lacks clear antecedent basis in the specification as originally filed, and appears to be drawn to new matter.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al. 5,919,284 as above, and further in view of Williamson et al. 5,480,547. Perry et al. disclose (see col. 2 line 28 through col. 5 line 14) the structure of the apparatus substantially as claimed. It is submitted that the apparatus of Perry et al. appears to include the structure of the recited retaining member in Fig. 2. The claims differ from Perry et al. as applied above by reciting that the chamber includes a specific access cover and shoulder. Williamson et al. disclose (see col. 10 line 33 through col. 12 line 56) that it is known in the art to coalesce and separate liquid phases in an apparatus including a chamber comprising an access cover or closure means, and tube sheet or shoulder 28. It would have been obvious to one skilled in the art to modify the apparatus of Perry et al. by including the recited access cover and shoulder in view of the teachings of Williamson, to aid accessing the chamber to replace the coalescing medium.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al. in view of Williamson et al. as above, and further in view of Hughes 4,640,781. The claims differ from the references as applied above by reciting that the elongate members and coalescing medium comprise fibres and specific materials such as polypropylene. Hughes discloses (see col. 1 line 65 through col. 4 line 10) that it is known in the art to coalesce and separate liquid phases in an apparatus including polypropylene fibers. It would have been obvious to one skilled in the art to modify the references as applied above by including the recited polypropylene fibres in view of the teachings of Williamson, to aid coalescing and separating phases in the fluid.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al. in view of Williamson et al. and Hughes as above, and further in view of Boogay 4,299,699. The claim differs from the references as applied above by reciting that the coalescing medium comprises polypropylene rope. Boogay disclose (see col. 3 lines 21-57) that it is known in the art to coalesce and separate liquid phases in an apparatus including thread filaments and rope. It would have been obvious to one skilled in the art to modify the references as applied above by including the recited polypropylene in view of the teachings of Boogay, to aid coalescing and separating phases in the fluid.

Claims 10-12 stand withdrawn from further consideration. It is noted that the restriction requirement was made final in the Office action dated 7/23/03.

Applicant argues that instant claims 1 and 13 define the position of the retaining member in closing off the second end of the chamber to fluid flow from the intermediate branch, and the support screen 63 of Perry et al. is mounted in the chamber but does not close off fluid flow from the intermediate branch, since fluid is permitted to flow from the intermediate branch to both

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sides of screen 63. It is submitted that the structure of the retaining member disclosed in Fig. 2 of Perry et al. does not appear to be limited to support screen 63, and appears to include structure for closing off the second end of the chamber to fluid flow as recited in the instant claims.

Applicant alleges that the devices of both Perry et al. and Williamson et al. have the disadvantage that the fluid entering the coalescer necessarily passes the retaining member, which causes an undesirable pressure drop, which is avoided by the apparatus of the present invention. Applicants have not provided sufficient factual evidence to support the above allegation.

Applicant's arguments concerning Hughes and Boogay are based on the propriety of the combination of Perry et al. and Williamson et al. This combination is deemed proper for reasons stated above.


Claims 1 and 13 properly written to overcome the above 35 USC 112 rejection, to include claim 6 or 8, and "wherein the coalescing medium is supported by the retaining member at one end only and free to extend along the interior of the pipe toward the second end under the action of fluid flowing along the pipe toward the outlet", in view of page 6 of the instant specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (571) 272-1160. The examiner can normally be reached on Monday through Friday from 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Peter A. Hruskoci
Primary Examiner
Art Unit 1724

5/22/06